

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 08-271(14) (DWF/AJB)

Plaintiff,

v.

**ORDER AND MEMORANDUM**

Nichole Ann Kearney,

Defendant.

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Christian S. Wilton, Assistant United States Attorney, United States Attorney's Office,  
counsel for Plaintiff.

Arlene M. Asencio Perkkio, Esq., counsel for Defendant.

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This matter is before the Court upon Defendant's motion for an order sealing specific documents in the above-entitled matter. Based upon the presentations of the parties, and the Court having reviewed the contents of the documents in this matter, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Defendant's motion to seal (Doc. No. 651) is respectfully **DENIED**.

**However**, the documents may be filed electronically with access restricted to case

participants and the public terminals only, which are located in the Clerk of Court's Office.

Dated: September 15, 2009      s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge

### **MEMORANDUM**

The motion has been brought in good faith. Prior to Electronic Case Filing ("ECF"), such documents were rarely, if ever, sealed. The Court has observed that these documents are customarily sealed across the United States for administrative convenience and apparently for safety reasons since the advent of ECF.

The better practice, in the Court's view, is to e-file such documents with restricted status so that they are only available either on-line in the Clerk of Court's Office or by inspecting and reviewing the file itself. As mentioned above, the documents can be made available to the parties on-line. The interests of justice are better served if the documents are not available via the Internet, but the United States District Court remains open and accessible to the public, as contemplated by the Constitution. Such a practice better serves the public interest and the interests of justice, while still protecting the safety and privacy of family members, criminal defendants, or others who may be impacted by the content of the documents filed with the Court.<sup>1</sup>

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<sup>1</sup> The Court filed a more extensive memorandum in *United States v. Laurel Suzanne Sargent*, Crim. No. 07-376(2), Doc. No. 90 (D. Minn. July 8, 2009), addressing this issue.